

Section 1. 8-341. Disposition and commitment; definitions

A. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

1. It may award a delinquent juvenile:

(a) To the care of the juvenile's parents, subject to the supervision of a probation department.

(b) To a probation department, subject to any conditions the court may impose, including a period of incarceration in a juvenile detention center of not more than one year.

(c) To a reputable citizen of good moral character, subject to the supervision of a probation department.

(d) To a private agency or institution, subject to the supervision of a probation officer.

(e) To the department of juvenile corrections.

(f) To maternal or paternal relatives, subject to the supervision of a probation department.

(g) To an appropriate official of a foreign country of which the juvenile is a foreign national who is unaccompanied by a parent or guardian in this state to remain on unsupervised probation for at least one year on the condition that the juvenile cooperate with that official.

2. It may award an incorrigible child:

(a) To the care of the child's parents, subject to the supervision of a probation department.

(b) To the protective supervision of a probation department, subject to any conditions the court may impose.

(c) To a reputable citizen of good moral character, subject to the supervision of a probation department.

(d) To a public or private agency, subject to the supervision of a probation department.

(e) To maternal or paternal relatives, subject to the supervision of a probation department.

B. If a juvenile is placed on probation pursuant to this section, the period of probation may continue until the juvenile's eighteenth birthday, except that the term of probation shall not exceed one year if all of the following apply:

1. The juvenile is not charged with a subsequent offense.

2. The juvenile has not been found in violation of a condition of probation.

1 3. The court has not made a determination that it is in the best interests
2 of the juvenile or the public to require continued supervision. The court
3 shall state by minute entry or written order its reasons for finding
4 that continued supervision is required.

5 4. The offense for which the juvenile is placed on probation does not
6 involve a dangerous offense as defined in section 13-105.

7 5. The offense for which the juvenile is placed on probation does not
8 involve a violation of title 13, chapter 14 or 35.1.

9 6. Restitution ordered pursuant to section 8-344 has been made.

10 7. The juvenile's parents have not requested that the court continue the
11 juvenile's probation for more than one year.

12 C. If a juvenile is adjudicated as a first time felony juvenile offender,
13 the court shall provide the following written notice to the juvenile:

14 You have been adjudicated a first time felony juvenile offender. You are
15 now on notice that if you are adjudicated of another offense that would
16 be a felony offense if committed by an adult and if you commit the other
17 offense when you are fourteen years of age or older, you ~~will~~ MAY be
18 placed on juvenile intensive probation, which may include home arrest
19 and electronic monitoring, or you may be placed on juvenile intensive
20 probation and may be incarcerated for a period of time in a juvenile
21 detention center, or you may be committed to the department of juvenile
22 corrections or you may be prosecuted as an adult. If you are convicted
23 as an adult of a felony offense and you commit any other offense, you
24 will be prosecuted as an adult.

25 D. If a juvenile is fourteen years of age or older and is adjudicated
26 as a repeat felony juvenile offender, the juvenile court ~~shall~~ MAY place
27 the juvenile on juvenile intensive probation, which may include home
28 arrest and electronic monitoring, may place the juvenile on juvenile
29 intensive probation, which may include incarceration for a period of
30 time in a juvenile detention center, or may commit the juvenile to the
31 department of juvenile corrections pursuant to subsection A, paragraph
32 1, subdivision (e) of this section for a significant period of time.

33 E. If the juvenile is adjudicated as a repeat felony juvenile offender,
34 the court shall provide the following written notice to the juvenile:

35 You have been adjudicated a repeat felony juvenile offender. You are now
36 on notice that if you are arrested for another offense that would be a
37 felony offense if committed by an adult and if you commit the other
38 offense when you are fifteen years of age or older, you will be tried
39 as an adult in the criminal division of the superior court. If you commit
40 the other offense when you are fourteen years of age or older, you may

1 be tried as an adult in the criminal division of the superior court. If
2 you are convicted as an adult, you will be sentenced to a term of
3 incarceration. If you are convicted as an adult of a felony offense and
4 you commit any other offense, you will be prosecuted as an adult.

5 F. The failure or inability of the court to provide the notices required
6 under subsections C and E of this section does not preclude the use of
7 the prior adjudications for any purpose otherwise permitted.

8 G. Except as provided in subsection S of this section, after considering
9 the nature of the offense and the age, physical and mental condition and
10 earning capacity of the juvenile, the court shall order the juvenile to
11 pay a reasonable monetary assessment if the court determines that an
12 assessment is in aid of rehabilitation. If the director of the department
13 of juvenile corrections determines that enforcement of an order for
14 monetary assessment as a term and condition of conditional liberty is
15 not cost-effective, the director may require the youth to perform an
16 equivalent amount of community restitution in lieu of the payment ordered
17 as a condition of conditional liberty.

18 H. If a child is adjudicated incorrigible, the court may impose a
19 monetary assessment on the child of not more than one hundred fifty
20 dollars.

21 I. A juvenile who is charged with unlawful purchase, possession or
22 consumption of spirituous liquor is subject to section 8-323. The
23 monetary assessment for a conviction of unlawful purchase, possession or
24 consumption of spirituous liquor by a juvenile shall not exceed five
25 hundred dollars. The court of competent jurisdiction may order a monetary
26 assessment or equivalent community restitution.

27 J. The court shall require the monetary assessment imposed under
28 subsection G or H of this section on a juvenile who is not committed to
29 the department of juvenile corrections to be satisfied in one or both
30 of the following forms:

31 1. Monetary reimbursement by the juvenile in a lump sum or installment
32 payments through the clerk of the superior court for appropriate
33 distribution.

34 2. A program of work, not in conflict with regular schooling, to repair
35 damage to the victim's property, to provide community restitution or to
36 provide the juvenile with a job for wages. The court order for
37 restitution or monetary assessment shall specify, according to the
38 dispositional program, the amount of reimbursement and the portion of
39 wages of either existing or provided work that is to be credited toward
40 satisfaction of the restitution or assessment, or the nature of the work

1 to be performed and the number of hours to be spent working. The number
2 of hours to be spent working shall be set by the court based on the
3 severity of the offense but shall not be less than sixteen hours.

4 K. If a juvenile is committed to the department of juvenile corrections,
5 the court shall specify the amount of the monetary assessment imposed
6 pursuant to subsection G or H of this section.

7 L. After considering the length of stay guidelines developed pursuant to
8 section 41-2816, subsection C, the court may set forth in the order of
9 commitment the minimum period during which the juvenile shall remain in
10 secure care while in the custody of the department of juvenile
11 corrections. When the court awards a juvenile to the department of
12 juvenile corrections or an institution or agency, it shall transmit with
13 the order of commitment copies of a diagnostic psychological evaluation
14 and educational assessment if one has been administered, copies of the
15 case report, all other psychological and medical reports, restitution
16 orders, any request for postadjudication notice that has been submitted
17 by a victim and any other documents or records pertaining to the case
18 requested by the department of juvenile corrections or an institution or
19 agency. The department shall not release a juvenile from secure care
20 before the juvenile completes the length of stay determined by the court
21 in the commitment order unless the county attorney in the county from
22 which the juvenile was committed requests the committing court to reduce
23 the length of stay. The department may temporarily escort the juvenile
24 from secure care pursuant to section 41-2804, may release the juvenile
25 from secure care without a further court order after the juvenile
26 completes the length of stay determined by the court or may retain the
27 juvenile in secure care for any period subsequent to the completion of
28 the length of stay in accordance with the law.

29 M. Written notice of the release of any juvenile pursuant to subsection
30 L of this section shall be made to any victim requesting notice, the
31 juvenile court that committed the juvenile and the county attorney of
32 the county from which the juvenile was committed.

33 N. Notwithstanding any law to the contrary, if a person is under the
34 supervision of the court as an adjudicated delinquent juvenile at the
35 time the person reaches eighteen years of age, treatment services may
36 be provided until the person reaches twenty-one years of age if the
37 court, the person and the state agree to the provision of the treatment
38 and a motion to transfer the person pursuant to section 8-327 has not
39 been filed or has been withdrawn. The court may terminate the provision

1 of treatment services after the person reaches eighteen years of age if
2 the court determines that any of the following applies:

3 1. The person is not progressing toward treatment goals.

4 2. The person terminates treatment.

5 3. The person commits a new offense after reaching eighteen years of
6 age.

7 4. Continued treatment is not required or is not in the best interests
8 of the state or the person.

9 O. On the request of a victim of an act that may have involved significant
10 exposure as defined in section 13-1415 or that if committed by an adult
11 would be a sexual offense, the prosecuting attorney shall petition the
12 adjudicating court to require that the juvenile be tested for the
13 presence of the human immunodeficiency virus. If the victim is a minor
14 the prosecuting attorney shall file this petition at the request of the
15 victim's parent or guardian. If the act committed against a victim is
16 an act that if committed by an adult would be a sexual offense or the
17 court determines that sufficient evidence exists to indicate that
18 significant exposure occurred, it shall order the department of juvenile
19 corrections or the department of health services to test the juvenile
20 pursuant to section 13-1415. Notwithstanding any law to the contrary,
21 the department of juvenile corrections and the department of health
22 services shall release the test results only to the victim, the
23 delinquent juvenile, the delinquent juvenile's parent or guardian and a
24 minor victim's parent or guardian and shall counsel them regarding the
25 meaning and health implications of the results.

26 P. If a juvenile has been adjudicated delinquent for an offense that if
27 committed by an adult would be ~~a felony~~ AN OFFENSE LISTED IN SECTION 41-
28 1750, SUBSECTION C, the court shall provide the department of public
29 safety Arizona automated fingerprint identification system established
30 in section 41-2411 with the juvenile's TEN-PRINT fingerprints, personal
31 identification data and other pertinent information. If a juvenile has
32 been committed to the department of juvenile corrections the department
33 shall provide the fingerprints and information required by this
34 subsection to the Arizona automated fingerprint identification system.
35 If the juvenile's fingerprints and information have been previously
36 submitted to the Arizona automated fingerprint identification system the
37 information is not required to be resubmitted.

38 Q. Access to fingerprint records submitted pursuant to subsection P of
39 this section shall be limited to the administration of criminal justice
40 as defined in section 41-1750. Dissemination of fingerprint information

1 shall be limited to the name of the juvenile, juvenile case number, date
2 of adjudication and court of adjudication.

3 R. If a juvenile is adjudicated delinquent for an offense that if
4 committed by an adult would be a misdemeanor, the court may prohibit the
5 juvenile from carrying or possessing a firearm while the juvenile is
6 under the jurisdiction of the department of juvenile corrections or the
7 juvenile court.

8 S. If a juvenile is adjudicated delinquent for a violation of section
9 13-1602, subsection A, paragraph 5, the court shall order the juvenile
10 to pay a fine of at least three hundred dollars but not more than one
11 thousand dollars. Any restitution ordered shall be paid in accordance
12 with section 13-809, subsection A. The court may order the juvenile to
13 perform community restitution in lieu of the payment for all or part of
14 the fine if it is in the best interests of the juvenile. The amount of
15 community restitution shall be equivalent to the amount of the fine by
16 crediting any service performed at a rate of ten dollars per hour. If
17 the juvenile is convicted of a second or subsequent violation of section
18 13-1602, subsection A, paragraph 5 and is ordered to perform community
19 restitution, the court may order the parent or guardian of the juvenile
20 to assist the juvenile in the performance of the community restitution
21 if both of the following apply:

22 1. The parent or guardian had knowledge that the juvenile intended to
23 engage in or was engaging in the conduct that gave rise to the violation.

24 2. The parent or guardian knowingly provided the juvenile with the means
25 to engage in the conduct that gave rise to the violation.

26 T. If a juvenile is adjudicated delinquent for an offense involving the
27 purchase, possession or consumption of spirituous liquor or a violation
28 of title 13, chapter 34 and is placed on juvenile probation, the court
29 may order the juvenile to submit to random drug and alcohol testing at
30 least two times per week as a condition of probation.

31 U. A juvenile who is adjudicated delinquent for an offense involving the
32 purchase, possession or consumption of spirituous liquor or a violation
33 of title 13, chapter 34, who is placed on juvenile probation and who is
34 found to have consumed any spirituous liquor or to have used any drug
35 listed in section 13-3401 while on probation is in violation of the
36 juvenile's probation. IF A juvenile who commits a third or subsequent
37 violation of a condition of probation as prescribed by this subsection,
38 THE JUVENILE shall be brought before the juvenile court and, if the
39 allegations are proven, the court shall either revoke probation and hold
40 a disposition hearing pursuant to this section or select additional

1 conditions of probation as it deems necessary, including detention,
2 global position system monitoring, additional alcohol or drug treatment,
3 community restitution, additional drug or alcohol testing or a monetary
4 assessment.

5 Section 2. 8-352. Intensive probation; evaluation; criteria; limit;
6 conditions

7 A. A juvenile probation officer shall prepare a disposition summary
8 report for every juvenile who has been adjudicated of a delinquent act
9 or of a technical violation of probation.

10 B. The juvenile probation officer shall evaluate the needs of the
11 juvenile and the juvenile's risk to the community, including the nature
12 of the offense, the delinquent history of the juvenile, the juvenile's
13 history of referrals and adjustments and the recommendation of the
14 juvenile's parents. The juvenile probation officer shall include the
15 recommendation of the juvenile's parents in the disposition summary
16 report. If the nature of the offense and the prior delinquent history
17 of the juvenile indicate that the juvenile should be included in an
18 intensive probation program pursuant to supreme court guidelines for
19 juvenile intensive probation, the juvenile probation officer may
20 recommend to the court that the juvenile be granted intensive probation.

21 C. After reviewing the juvenile's prior record, the facts and
22 circumstances of the current delinquent act or technical violation of
23 probation and the disposition summary report, the court may grant the
24 juvenile a period of intensive probation.

25 D. When granting intensive probation the court shall set forth on the
26 record the factual reasons for using the disposition.

27 E. Intensive probation shall be conditioned on the juvenile:

28 1. Participating in one or more of the following, **AS APPROVED BY THE**
29 **COURT OR THE PROBATION OFFICER** ~~throughout the term of intensive probation~~
30 for not less than thirty-two hours each week **THROUGHOUT THE TERM OF**
31 **PROBATION:**

32 (a) School.

33 (b) A ~~court-ordered~~ treatment program.

34 (c) Employment.

35 (d) Supervised community restitution work.

36 (e) **AN ACTIVITY THAT IMPROVES THE JUVENILE'S PRO-SOCIAL SKILL**
37 **DEVELOPMENT, INCLUDING ENHANCING THE JUVENILE'S RELATIONSHIP WITH THE**
38 **FAMILY.**

2. Paying restitution and probation fees except that the inability to pay probation fees or restitution does not prohibit participation in the intensive probation program.

3. Remaining at a place of residence at all times except to attend school, work or treatment, to perform community restitution or to participate in some activity, as specifically allowed in each instance by the supervising juvenile probation officer, or if in the direct company of a parent, guardian or custodian, as approved by the juvenile probation officer.

4. Allowing administration of drug and alcohol tests as directed by a juvenile probation officer.

5. Meeting any other conditions imposed by the court, including electronic monitoring, to meet the needs of the juvenile or to limit the risks to the community.

F. Probation fees shall be deposited in the juvenile probation fund established pursuant to section 12-268.

Section 3. ~~8-355~~. School; employment; community restitution programs

The juvenile intensive probation team shall ensure that each juvenile under its supervision is ~~either employed, attending school, participating in a community restitution program or attending a court ordered treatment program or any combination thereof as ordered by the court~~ PARTICIPATING IN ONE OR MORE OF THE FOLLOWING, AS APPROVED BY THE COURT OR THE PROBATION OFFICER for not less than thirty-two hours each week THROUGHOUT THE TERM OF INTENSIVE PROBATION-:

1. SCHOOL.

2. A TREATMENT PROGRAM.

3. EMPLOYMENT.

4. SUPERVISED COMMUNITY RESTITUTION WORK.

5. AN ACTIVITY THAT IMPROVES THE JUVENILE'S PRO-SOCIAL SKILL DEVELOPMENT, INCLUDING ENHANCING THE JUVENILE'S RELATIONSHIP WITH THE FAMILY.

Section 4. ~~13-902~~. Periods of probation; monitoring; fees

A. Unless terminated sooner, probation may continue for the following periods:

1. For a class 2 felony, seven years.

2. For a class 3 felony, five years.

3. For a class 4 felony, four years.

4. For a class 5 or 6 felony, three years.

5. For a class 1 misdemeanor, three years.

6. For a class 2 misdemeanor, two years.

7. For a class 3 misdemeanor, one year.

1 B. Notwithstanding subsection A of this section, unless terminated
2 sooner, probation may continue for the following periods:

3 1. For a violation of section 28-1381 or 28-1382, five years.

4 2. For a violation of section 28-1383, ten years.

5 C. When the court has required, as a condition of probation, that the
6 defendant make restitution for any economic loss related to the
7 defendant's offense and that condition has not been satisfied, the court
8 at any time before the termination or expiration of probation may extend
9 the period within the following limits:

10 1. For a felony, not more than five years.

11 2. For a misdemeanor, not more than two years.

12 D. Notwithstanding any other provision of law, justice courts and
13 municipal courts may impose the probation periods specified in subsection
14 A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

15 E. After conviction of a felony offense or an attempt to commit any
16 offense that is included in chapter 14 or 35.1 of this title or section
17 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may
18 continue for a term of not less than the term that is specified in
19 subsection A of this section up to and including life and that the court
20 believes is appropriate for the ends of justice.

21 F. After conviction of a violation of section 13-3824, subsection A, if
22 a term of probation is imposed and the offense for which the person was
23 required to register was a felony, probation may continue for a term of
24 not less than the term that is specified in subsection A of this
25 section up to and including life and that the court believes is
26 appropriate for the ends of justice.

27 G. If a person is convicted on or after November 1, 2006 of a dangerous
28 crime against children as defined in section 13-705, a term of probation
29 is imposed, the person is required to register pursuant to section 13-
30 3821 and the person is classified as a level three offender pursuant to
31 section 13-3825, the court shall require global position system or
32 electronic monitoring for the duration of the term of probation, **UNLESS**
33 **THE COURT DETERMINES THAT THE DEFENDANT IS PHYSICALLY OR MENTALLY**
34 **INCAPACITATED TO THE EXTENT THAT GLOBAL POSITION SYSTEM OR ELECTRONIC**
35 **MONITORING IS UNNECESSARY.** The court may impose a fee on the probationer
36 to offset the cost of the monitoring device required by this subsection.
37 The fee shall be deposited in the adult probation services fund pursuant
38 to section 12-267, subsection A, paragraph 3. This subsection does not
39 preclude global position system or electronic monitoring of any other
40 person who is serving a term of probation.

1 Section 5. 13-914. Intensive probation; evaluation; sentence; criteria;
2 limit; conditions

3 A. An adult probation officer shall prepare a presentence report for
4 every offender who has either:

5 1. Been convicted of a felony and for whom the granting of probation is
6 not prohibited by law.

7 2. Violated probation by commission of a technical violation that was
8 not chargeable or indictable as a criminal offense.

9 B. The adult probation officer shall evaluate the needs of the offender
10 and the offender's risk to the community, including the nature of the
11 offense and criminal history of the offender. If the nature of the
12 offense and the prior criminal history of the offender indicate that the
13 offender should be included in an intensive probation program pursuant
14 to supreme court guidelines for intensive probation, the adult probation
15 officer may recommend to the court that the offender be granted intensive
16 probation.

17 C. The court may suspend the imposition or execution of the sentence and
18 grant the offender a period of intensive probation in accordance with
19 this chapter. Except for sentences that are imposed pursuant to section
20 13-3601, the sentence is tentative to the extent that it may be altered
21 or revoked pursuant to this chapter, but for all other purposes it is a
22 final judgment of conviction. This subsection does not preclude the court
23 from imposing a term of intensive probation pursuant to section 13-3601.

24 D. When granting intensive probation the court shall set forth on the
25 record the factual and legal reasons in support of the sentence.

26 E. Intensive probation shall be conditioned on the offender:

27 1. Maintaining employment, ~~or maintaining~~ full-time student status at a
28 school subject to title 15 or title 32, chapter 30 **OR A COMBINATION OF**
29 **EMPLOYMENT AND STUDENT STATUS** and making progress deemed satisfactory to
30 the probation officer, or both, or being involved in supervised job
31 searches and community restitution work at least six days a week
32 throughout the offender's term of intensive probation.

33 2. Paying restitution and probation fees of not less than seventy-five
34 dollars unless, after determining the inability of the offender to pay
35 the fee, the court assesses a lesser fee. Probation fees shall be
36 deposited in the adult probation services fund established by section
37 12-267. Any amount assessed pursuant to this paragraph shall be used to
38 supplement monies used for the salaries of adult probation and
39 surveillance officers and for support of programs and services of the
40 superior court adult probation departments.

1 3. Establishing a residence at a place approved by the intensive
2 probation team and not changing the offender's residence without the
3 team's prior approval.

4 4. Remaining at the offender's place of residence at all times except
5 to go to work, to attend school, to perform community restitution and
6 as specifically allowed in each instance by the adult probation officer.

7 5. Allowing administration of drug and alcohol tests if requested by a
8 member of the intensive probation team.

9 6. Performing not less than forty hours of community restitution each
10 month. **OFFENDERS WHO ARE full-time students, EMPLOYED, OR IN A TREATMENT**
11 **PROGRAM APPROVED BY THE COURT OR THE PROBATION OFFICER** may be exempted
12 or required to perform fewer hours of community restitution. For good
13 cause, the court may reduce the number of community restitution hours
14 performed to not less than twenty hours each month.

15 7. Meeting any other conditions imposed by the court to meet the needs
16 of the offender and limit the risks to the community, including
17 participation in a program of community punishment authorized in title
18 12, chapter 2, article 11.

19 F. This section has no effect on the ability of the court to terminate
20 the period of probation or intensive probation pursuant to section 13-
21 901, subsection E at a time earlier than originally imposed.

22 Section 6. **13-916. Intensive probation teams; adult probation officer**
23 **qualifications; duties; case load limit**

24 A. The chief adult probation officer in each county, with approval of
25 the presiding judge of the superior court, shall appoint intensive
26 probation teams consisting of one adult probation officer and one
27 surveillance officer, two adult probation officers or one adult probation
28 officer and two surveillance officers.

29 B. A two person intensive probation team shall supervise no more than
30 twenty-five persons at one time, and a three person intensive probation
31 team shall supervise no more than forty persons at one time.

32 C. The adult probation officers shall meet the bonding requirements and
33 experience and education standards established pursuant to section 12-
34 251.

35 D. The intensive probation team may serve warrants on, make arrests of
36 and bring before the court persons who have violated the terms of
37 intensive probation.

38 E. The adult probation and surveillance officers both have the authority
39 of a peace officer in the performance of their duties but are not eligible
40 to participate in the public safety personnel retirement system.

- 1 F. The intensive probation team shall:
- 2 1. Secure and keep a complete identification record of each person
- 3 supervised by the team and a written statement of the conditions of the
- 4 probation.
- 5 2. Exercise close supervision and observation over persons sentenced to
- 6 intensive probation including both of the following:
- 7 (a) Visual contact with each probationer at least four times per week.
- 8 (b) Weekly ~~contact with the employer of the probationer~~ VERIFICATION OF
- 9 THE PROBATIONER'S EMPLOYMENT.
- 10 3. Obtain and assemble information concerning the conduct of persons
- 11 sentenced to intensive probation, including weekly arrest records, and
- 12 report the information to the court.
- 13 4. Report to the court if the probationer engages in conduct constituting
- 14 an offense.
- 15 5. Bring a defaulting probationer into court if, in the judgment of the
- 16 adult probation officer, the probationer's conduct justifies revoking
- 17 the intensive probation.
- 18 6. Monitor the payment of restitution and probation fees and bring into
- 19 court any probationer who fails to pay restitution or fees.
- 20 7. Perform any other responsibilities required by the terms and
- 21 conditions imposed by the court.

10/27/15

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